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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,186	12/11/2001	Larry Russell	PW-0278622	1091

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ALBANY, CA 94706

EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/022,186

Applicant(s)

RUSSELL, LARRY

Examiner

Tilahun B Gesesse

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Baranowski et al "Baranowski" (6,658,267).

As to claim 1, Baranowski discloses a method of providing a broadcast of a station over a telephone (column 2, lines 28-37), comprising telephonically accessing a system capable of connecting to a plurality of broadcast stations (column 2, lines 51-55 and column 2, lines 58-63 and figure 1). Baranowski discloses requesting to receive the broadcast of the stations (column 2, lines 51-55) and transmitting the broadcast of the station via the telephone (column 2, lines 38-50).

As to claim 8, Baranowski discloses a broadcast of a station over a telephone, (column 2, lines 28-37), comprising telephonically accessing a system capable of connecting to a plurality of broadcast stations (column 2, lines 51-55 and column 2,

lines 58-63 and figure 1). Baranowski discloses requesting to receive the broadcast of the stations (column 2, lines 51-55) and transmitting the broadcast of the station via the telephone (column 2, lines 38-50).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baranowski in view of Yang (6,529,742).

As to claims 2, 6 and 9, Baranowski discloses TV audio broadcasting stations. However, Yang teaches receiving TV broadcast audio signal (abstract). Since, Baranowski teaches receiving signals from broadcasting stations (AM and FM). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Baranowski and Yang in receiving broadcasting station audio signal, as taught by Yang, in order to utilize a multi broadcast receiving at a single unit and convenient of using a compact entertaining device.

6. Claims 3-4, 7, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baranowski in view of Yang as applied to claims 1-2 and 8-9 above, and further in view of Takahisa et al "Takahisa" (5,812,937).

As to claims 3, 7, 10, Baranowski and Yang do not teach providing a menu of identification options for identifying, comprises selecting an identification option and entering the identification of the station under the identification option. However, Takahisa discloses providing a menu of identification options for identifying, comprises selecting an identification option column 9, lines 30-44 and figures 5 and 6) and entering the identification of the station under the identification option (column 13, lines 31-47). Since , Baranowski and Yang teach broadcasting stations. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Baranowski, Yang and Takahisa in identifying broadcasting station audio signal and entering identification code, as taught by Takahisa, in order to select the menu and identify the broadcasting station and accordingly entering the code for transmission.

As to claim 4, 11 Baranowski and Yang do not teach providing a menu of identification options for identifying, comprises selecting an identification option and entering the identification of the station under the identification option. However, Takahisa discloses providing a menu of identification options for identifying, comprises selecting an identification option column 9, lines 30-44 and figures 5 and 6) and entering the identification of the station under the identification option (column 13, lines 31-47). Since , Baranowski and Yang teach broadcasting stations. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Baranowski, Yang and Takahisa in identifying broadcasting station audio signal and entering identification code, as taught by Takahisa, in order to select the menu and identify the broadcasting station and accordingly entering the code for transmission.

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Henrick (6,507,727) discloses delivery of audio and video content (entertainment media) over the Internet and a system allows a user who hears or sees an audio or video broadcast to use a cell phone or other wireless device (abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

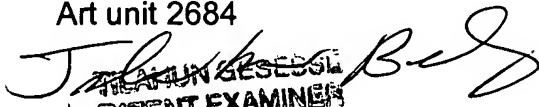
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TBG

April 20, 2004

Art unit 2684

  
TILAHUN GESESE  
PATENT EXAMINER